



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
C-14J

MEMORANDUM

SUBJECT: Third Amendment to the Project Agreement for the Remedial Design of the Cuyahoga River Gorge Dam Project in Cuyahoga Falls, Ohio

FROM: Randa Bishlawi
Associate Branch Chief

TO: T. Leverett Nelson
Regional Counsel

Enclosed for your review is the Third Amendment to a Project Agreement under the Great Lakes Legacy Reauthorization Act of 2008 (GLLA), 33 U.S.C. § 1268(c) et. seq., for the Remedial Design (RD) of the Cuyahoga River Gorge Dam in Cuyahoga Falls, Ohio. The GLLA authorizes the Administrator, through the Great Lakes National Program Office (GLNPO), to undertake projects that seek to remediate contaminated sediment, monitor or evaluate contaminated sediment, or prevent further or renewed contamination of sediment at the Great Lakes Areas of Concern. The Project Agreement along with its Amendments, is a contract between GLNPO and the local sponsors to complete the RD. I recommend you concur on this Second Amendment for signature by Cheryl Newton in her capacity as Acting Great Lakes National Program Manager. If you have any questions regarding this Project Agreement, please contact Susan Prout, Associate Regional Counsel, at (312) 353-1029.

Background

The Cuyahoga River Gorge Dam is located in Cuyahoga Falls, Ohio, within the Cuyahoga River Area of Concern. Sediments behind the Gorge Dam are primarily contaminated with polyaromatic hydrocarbons (PAHs) with a maximum concentration of 86 ppm, and average concentration of 52 ppm. Fifteen of the 25 stations sampled indicate acute or chronic effects for benthic toxicity, and over 830,000 cubic yards of contaminated sediments behind the dam structure must be addressed.

Ohio EPA applied for GLLA funding for a project to complete the design of a dam removal and sediment remediation project. During the course of the remedial design EPA and Ohio EPA concluded that removal of the concrete dam structure was best accomplished through a different funding mechanism. Therefore, the remedial design will not include the removal of the dam, although it will still remediate approximately 832,000 cubic yards of contaminated sediment in

the Cuyahoga River, as well as the disposal area for permanent storage of the contaminated sediment from the dam pool. The First Amendment to the Project Agreement, signed on August 6, 2020, added the City of Akron as a Non-Federal Sponsor and increased the total project costs to \$1.89 million. It also revised the project description to exclude the removal of the Gorge Dam and added the design of the disposal area. The Second Amendment, signed on April 21, 2021, increased the total project costs to \$2,314,286 and added a cash payment of \$75,000 by the Ohio EPA. It also made changes to the Project Agreement to acknowledge in-kind contributions may be provided by an entity other than the Non-Federal Sponsor, as well as other minor edits. This Third Amendment increases the total project costs to \$3,034,412 based on the amount of in-kind contributions accepted by EPA on June 9, 2021, from Summit Metro Parks. The Project Agreement signed on June 18, 2018, and its Amendments, commits the parties to undertake the project, sets out the cost share, establishes the funding mechanism, identifies the project contacts and provides for dispute resolution. The Project Agreement is the final step in the approval of the project.

Statutory Requirements of Project

The Great Lakes Legacy Act sets forth a number of prerequisites for project funding. The Cuyahoga River Gorge Dam project meets those requirements as set forth below.

1. Monitors or Evaluates Contaminated Sediment or Implements a Plan to Remediate Contaminated Sediment, including activities to restore aquatic habitat.

The project completes the remedial design of the remediation and permanent storage of the contaminated sediments from the dam pool that, when coupled with the ultimate removal of the dam structure, will increase fish habitat and improve water quality.

2. In an Area of Concern

The project is located in the Cuyahoga River Area of Concern.

3. Non-Federal Share at least 35%

Ohio EPA and the City of Akron are the local sponsors and they are providing the 35% match for this project.

Concur:

T. Leverett Nelson, Regional Counsel
Office of Regional Counsel

Date

Non-concur:

T. Leverett Nelson, Regional Counsel
Office of Regional Counsel

Date

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